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EXAMINER

DODDS, HAROLD E

ART UNIT PAPER NUMBER

2177

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/462,928

Applicant(s)

O'CONNOR, PAUL MICHAEL

Examiner

Harold E. Dodds, Jr.

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 4,8,10,12,19,23,25 and 27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7,9,11,13-18,20-22,24,26 and 28-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-7, 14-18, 20-22, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick (U.S. Patent No. 5,717,923), Kravitz (U.S. Patent No. 6,029,150), and Geerlings (U.S. Patent No. 6,073,112).

3. Dedrick rendered obvious independent claims 1 and 16 by the following:  
“...storing in an interaction database interaction data...” at col. 2, lines 15-20.  
“...the interaction database...” at col. 2, lines 15-20.  
“...storing in a demographics database demographic data...” at col. 12, lines 7-11.  
“...updating the interaction database...” at col. 5, lines 60-63.  
“...retrieving from the interaction and demographics databases...” at col. 10, lines 5-12.  
“...data retrieved from the interaction and demographics databases....” at col. 10, lines 5-12.

Dedrick does not teach the interaction of customer and merchant data, the use of data representing existing or prospective customers, and the generation of reports.

4. However, Kravitz teaches the interaction of customer and merchant data as follows:

“...representing interactions between customers and merchants, comprising interaction data of interactions involving different merchants...” at col. 11, lines 64-67 and col. 12, lines 1-2.

“...with interaction data obtained from interactions between customers and merchants...” at col. 11, lines 64-67 and col. 12, lines 1-2.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to have an interaction database for interactions or transactions between customers and merchants in order to maintain a record of these transactions for future reference.

Kravitz does not teach the use of data representing existing or prospective customers and the generation of reports.

5. However, Geerlings teaches the use of data representing existing or prospective customers and the generation of reports as follows:

“...data representing existing and/or prospective customers of one or more merchants...” at col. 1, lines 24-28.

“...representing existing and/or prospective customers of two or more merchants...” at col. 1, lines 24-28.

“...generating a report...” col. 15, lines 2-13.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to capture interactions with existing customers and to build lists of perspective customers in order to develop marketing strategy for the merchant’s services or products. Likewise, it would have been obvious to one ordinarily skilled in the art at the

time of the invention to produce reports to summarize data in the database into meaningful summaries for the merchant.

6. As per claims 2 and 17, the "...interaction database..." is taught by Dedrick at col. 2 lines 15-20 and the "...demographics database are maintained as separate databases..." is taught by Dedrick at col. 12, lines 7-11.

7. As per claims 3 and 18, the "...interaction database..." is taught by Dedrick at col. 2 lines 15-20 and the "...demographics database are maintained as a single database..." is taught by Dedrick at col. 12, lines 7-11.

8. As per claims 5 and 20, the "...interaction data includes date and/or time data..." is taught by Kravitz at col. 14, lines 35-36.

9. As per claims 6 and 21, the "...one or more interactions has a monetary value, and the interaction data obtained from the interaction includes the monetary value..." is taught by Kravitz at col. 14, line 37.

10. As per claims 7 and 22, the "...interactions stored in the interaction database..." is taught by Decrick at col. 2, lines 15-20, the "...comprise commercial transactions..." is taught by Kravitz at col. 11, lines 51-55, and the "...between customers and merchants..." is taught by Karvitz at col. 11, lines 64-67 and col. 12, lines 1-2.

11. As per claims 14 and 29, the "...report..." is taught by Geerlings at col. 15, lines 2-13,

the "...includes demographic data..." is taught by Dedrick at col. 12, lines 7-11,  
and the "...representing the customers of a merchant. ...," is taught by Kravitz at col. 11,  
lines 64-67 and col. 12, lines 1-2.

12. As per claims 15 and 30, the "...report..." is taught by Geerlings at col.  
15, lines 2-13,  
the "...includes demographic data..." is taught by Dedrick at col. 12, lines 7-11,  
and the "...representing the customers of two or more merchants....," is taught by  
Kravitz at col. 11, lines 64-67 and col. 12, lines 1-2.

13. Claims 31, 32, 37, and 38 are rejected under 35 U.S.C. 103(a) as being  
unpatentable over Dedrick, Kravitz, and Geerlings as applied to claims 7 and 22 above,  
and further in view of Sirbu et al. (U.S. Patent No. 5,809,144).

As per claims 31 and 37, the "...interaction data..." is taught by Dedrick at col. 2,  
lines 15-20,  
the "...includes a customer identifier, the customer identifier..." is taught by Kravitz at  
col. 7, lines 21-24,  
the "...from the commercial transactions..." is taught by Kravitz at col. 11, lines 51-55,  
but the "...comprising an account number..."  
and "...being obtained by one or more financial institutions..." are not taught by either  
Dedrick, Kravitz, or Geerlings.

However, Sirbu teaches the use of account numbers and the use of customer  
and merchant accounts by financial institutions as follows:

"...The cryptographic checksum of the customer's account number  
with an account verification nonce, so that the merchant may

verify that any supplied credentials were used correctly..." at col. 10, lines 4-7.

"...funds in a customer's account can be replenished from a bank or credit card; similarly, funds in a merchant's account are made available by depositing them in the merchant's bank account in financial institution 18..." at col. 3, lines 65-67 and col. 4, line 1.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to use customer account numbers and to obtain customer accounts from financial institutions in order to designate unique numbers representing each customer, which had already been assigned by the financial institution in the transaction database.

14. As per claims 32 and 38, the "...interaction data..." is taught by Dedrick at col. 2, lines 15-20,  
the "...includes a merchant identifier, the merchant identifier..." is taught by Kravitz at col. 28, line 16,  
the "...comprising an account number..." is taught by Sirbu at col. 10, lines 39-42,  
the "...obtained by one or more institutions..." is taught by Sirbu at col. 3, lines 65-67 and col. 4, line 1,  
and the "...from the commercial transactions..." is taught by Kravitz at col 11, lines 51-55.

15. Claims 9, 24, 33, 34, 39, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick, Kravitz, and Geerlings as applied to claims above, and further in view of Kaweck et al. (U.S. Patent No. 5,963,625).

As per claims 9 and 24, the "...interactions stored in the interaction database..." is taught by Dedrick at col. 2, lines 15-20,

the "...comprise communications between customers and merchants..." is taught by Kravitz at col. 14, lines 64-37 and col. 15, lines 1-2, but the "...provided by one or more telecommunications service providers..." is not taught by either Dedrick, Kravitz, or Geerlings.

However, Kawecky teaches the use of telecommunications service providers as follows:

"...when an LEC 110 (150) disconnects a subscriber to local service for non-payment, the subscriber may be automatically input to the sponsor ANI tabular data as well as that maintained for a telecommunications service provider ..." at col. 8, lines 11-15.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to use information from telecommunications service providers as the source of data for the interaction database in order to provide information about the participants of a transaction.

16. As per claims 33 and 39, the "...interaction data..." is taught by Dedrick at col. 2, lines 15-20, the "...includes a customer identifier, the customer identifier..." is taught by Kravitz at col. 7, lines 21-25, but the "...comprising a telephone number..." are not taught by either Dedrick, Kravitz, or Geerlings.

However, Kawecky teaches the use of telephone numbers and the use of telecommunications service providers as follows:

"...All the data, for example, calling party name, address, telephone number, credit card number, etc. can be used to track

callers who do not pay for 900 pay services. For example, when an LEC 110 (150) disconnects a subscriber to local service for non-payment, the subscriber may be automatically input to the sponsor ANI tabular data as well as that maintained for a telecommunications service provider..." at col. 8, lines 8-15.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to use information from telecommunications service providers as the source of telephone numbers of customers and merchants for the interaction database in order to provide information about the participants of a transaction.

17. As per claims 34 and 40, the "...interaction data..." is taught by Dedrick at col. 2, lines 15-20,  
the "...includes a merchant identifier, the merchant identifier..." is taught by Kravitz at col. 28, line 16,  
the "...comprising a telephone number obtained by one or more telecommunications service providers from the communications..." is taught by Kawecky at col. 8, lines 8-15.

18. Claims 11 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick, Kravitz, and Geerlings as applied to claims 1 and 15 above respectively, and further in view of Hanson et al. (U.S. Patent No. 5,974,398).

As per claims 11 and 26, the "...interactions stored in the interaction database..." is taught by Dedrick at col. 2, lines 7-11,  
"...between customers and merchant..." is taught by Kravitz at col. 11, lines 64-67 and col. 12, lines 1-2,

but the "...comprise data network communications..." and "...provided by one or more data network service providers..." are not taught by either Dedrick, Kravitz, or Geerlings.

However, Hanson teaches the use of data network communications and data network service providers as follows:

"...FIG. 1 shows an on-line service platform 100 connected to an advertiser workstation 120 via a data network 130. Data network 130, in this illustrative example of the invention, comprises a conventional data transport network such as that available from communication service providers..." at col. 2, lines 58-63.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to store transactions between customers and merchants on a data communications network provided by data network service providers on the interaction database in order to maintain a record of the transactions between customers and merchants on this medium.

19. Claims 35, 36, 41, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick, Kravitz, Geerlings, and Hanson as applied to claims 11 and 26 above respectively, and further in view of Silverman (U.S. Patent No. 6,252,869).

As per claims 35 and 41, the "...interaction data..." is taught by Dedrick at col. 2, lines 15-20,

the "...includes a customer identifier, the customer identifier..." is taught by Kravitz at col. 7, lines 21-25,

the "...obtained by one or more data network service providers from the data network communications..." is taught by Hanson at col. 2, lines 58-63,

but the "...comprising a data network address..." is not taught by either Dedrick, Kravitz, Geerlings, or Hanson.

However, Silverman teaches the use of network addresses as follows:

"...The term "network address " as used herein means the mechanism for identifying the user and could be the Internet protocol address or any other mechanism for identifying the user on the Internet or on any other network..." at col. 7, lines 66-67 and col. 8, lines 1-3.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to use network addresses to identify customers and merchants, who use data communications network in order to use a standard identification means for users of this medium.

20. As per claims 36 and 42, the "...interaction data..." is taught by Dedrick at col. 2, lines 15-20,  
the "...includes a merchant identifier, the merchant identifier..." is taught by Kravitz at col. 28, line 16,  
the "...comprising a data network address..." is taught by Silverman at col. 8, lines 1-3,  
and the "...obtained by one or more data network service providers from the data network communications..." is taught by Hanson at col. 2, lines 58-63.

21. Claims 13 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick, Kravitz, and Geerlings as applied to claims 1 and 15 above respectively, and further in view of Carles (U.S. Patent No. 5,661,516).

As per claims 13 and 38, the "...report..." is taught by Geerlings at col. 15, lines 2-13,

the "...in addition to data retrieved from the interaction...database..." is taught by Dedrick at col. 2, lines 15-20,

the "...demographics database..." is taught by Dedrick at col. 12, lines 7-11,

but the "...is based on census data..." is not taught by either Dedrick, Kravitz, or Geerlings.

However, Carles teaches the use of census data as follows:

"...Using demographic, census and survey data, and other available data, information about these households in a wide range of categories is gathered..." at col. 5, lines 11-14.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to use census data along with data retrieved from the interaction and demographics databases in order to provide more informative reports for the user.

### ***Response to Arguments***

22. Applicant's arguments filed 16 May 2002 have been fully considered but they are not persuasive. In the first argument on page 8, paragraph 1 for independent claims 1 and 16, the Applicant states as follows:

"Dedrick describes the storing of demographic data representing existing customers only...The Dedrick system therefore does not have the capability to store demographic data representing prospective customers...Dedrick does not provide this facility and does not teach or suggest storing demographic data representing prospective customers of two or more merchants."

Dedrick teaches the use of a demographic database as follows:

"...As shown in FIG. 4, each clearinghouse server 20 contains a demographic database 50, a transaction database 52, billing process 54 and a session manager 56. The demographic database 50 contains user profile data collected from the metering servers 14..." at col. 12, lines 7-11.

It is immaterial whether the demographic database described by Dedrick stores only data representing existing customers. The important fact is that Dedrick teaches use of a demographic database, which is available for use of information about customers whether they are current customers, previous customers, or prospective customers. Likewise, it is immaterial whether the database stores information about customers of one merchant or multiple merchants.

23. In the second argument on page 8, paragraph 3 for independent claims 1 and 16, the Applicant states as follows:

"Furthermore, Dedrick does not teach or suggest the generation of reports."

Dedrick teaches the receipt of information as follows:

"The GUI also allows the user to receive inquiries, request information and consume information by viewing, storing, printing, etc..." at col. 3, lines 62-64.

Geerlings teaches the generation of reports as follows:

"...Upon receipt of a report request from a merchant, or at a prescheduled time, main server 17 prepares a report according to the prespecified format and transmits the report to the calling site of the merchant..." at col. 12, lines 13-16.

Whereas, Dedrick does not teach the generation of reports, it is clear from the above teaching of Dedrick that the user is receiving and printing the information. This suggests the teaching of Geerlings shown above for the actual preparation of the reports and transmittal of reports to the user.

24. In the third argument on page 8, paragraph 4 for independent claims 1 and 16, the Applicant states as follows:

"The Dedrick system does not teach or suggest storing interaction data representing interactions between customers and merchants in an interaction database, the interaction database having stored in it interactions involving different merchants..."

Dedrick teaches the use of a personal profile databases on the consumer's interactions as follows:

"...In one embodiment, the client activity monitor also monitors which actions are ignored by the individual end user and updates the personal profile database based on the consumer's interaction with the electronic information (that is, both the consumer's action and inaction)..." at col. 2, lines 15-20.

Likewise, Karvitz teaches the use of interactions between a customer and merchant as follows:

"...Interaction between customer C and merchant M, that is, between customer network software 104 and merchant network server 110, is performed via a communications channel 112 which may be insecure..." at col. 11, lines 65-67 and col. 12, line 1.

It is clear, that the combination of the teachings from Dedrick and Kravitz that these references teach the use of databases to store interactions between customers and merchants.

25. In the fourth argument on page 9, paragraph 3 for independent claims 1 and 16, the Applicant states as follows:

"Kravitz does not describe compiling demographic data based on interactions between customers and merchants. Kravitz does not describe storing demographic data representing existing and/or prospective customers of two or more merchants in a demographic database, nor does it describe the generation of a report giving characteristics and other information about actual and/or prospective customers of one or more merchants."

This argument is essentially a combination of Applicant's first and third arguments. The combination of the responses for these previous arguments constitutes a valid response to this argument.

26. In the fifth argument on page 9, paragraph 4 for independent claims 1 and 16, the Applicant states as follows:

"It is not obvious to combine Kravitz with Dedrick. In Kravitz, the process requires that each customer and each merchant have a unique identifier for use in the transaction process. Dedrick, on the other hand, does not uniquely identify merchants. There is no suggestion in Dedrick, nor is there any advantage described in Dedrick, for identifying such merchants."

It is obvious to combine the Dedrick and Kravtz references for the following reasons.

Both teach the use of customer and merchant interactions and the use of databases.

Dedrick uses the term "consumer", but this "consumer" is essentially a customer of his merchant. Dedrick teaches the use of consumer's interactions as follows:

"...In one embodiment, the client activity monitor also monitors which actions are ignored by the individual end user and updates the personal profile database based on the consumer's interaction with the electronic information (that is, both the consumer's action and inaction)..." at col. 2, lines 15-20.

Likewise, Kravitz teaches the use of interactions between a customer and merchant as follows:

"...Interaction between customer C and merchant M, that is, between customer network software 104 and merchant network server 110, is performed via a communications channel 112 which may be insecure..." at col. 11, lines 65-67 and col. 12, line 1.

Kravitz teaches the use of databases as follows:

"...The CTA 102 executes electronic payments from customers to merchants within the system 100, as well as providing customer services such as database searches, records and customer

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receipts and allocation and/or collection of fees..." at col. 12, lines 16-20.

There are many other common features between these two references. However, both of these references are describing similar systems.

27. In the sixth argument on page 11, paragraph 3 for independent claims 1 and 16, the Applicant states as follows:

"In this way. Geerlings teaches away from the storing or use of data representing existing and/or prospective customers of one or more merchants."

Geerlings teaches the use of demographic and transaction databases as follows:

"...The first database stores identification and demographics of recipients, as well as shopping activity (e.g., transactions) of recipients. The second database stores indications of desired communications including indications of times for initiating communications and indications of contents of communications..." at col. 2, lines 20-25.

It is immaterial whether the demographic database described by Geerlings stores only data representing prospective customers. The important fact is that Geerlings teaches use of a demographic database, which is available for use of information about customers whether they are current customers, previous customers, or prospective customers. Likewise, it is immaterial whether the database stores information about customers of one merchant or multiple merchants. The teachings of Geerlings cited by the Applicant appears neutral as to the alleged teaching away from the storing or use of data representing current or prospective customers and when combined with the teaching of Geerlings at col. 2, lines 20-25 it reinforces the concept of storing the demographic characteristics of current and prospective customers.

28. In the seventh argument on page 12, paragraph 3 for independent claims 1 and 16, the Applicant states as follows:

"In Geerlings, each merchant maintains a separate interaction database which would not work with the systems described in Kravitz and Dedrick. It is not obvious to combine Dedricks, Kravitz and Geerlings."

Dedricks teaches the use of an interaction database and a demographic database at col. 2, lines 15-20 and col. 12, lines 7-11. Kravitz teaches the use of data of interactions between customers and merchants at col. 11, lines 64-67 and col. 12, lines 1-2.

Geerlings teaches the use of demographic and transaction databases at col. 2, lines 20-26. It is clear, that all three references are using interaction data and demographic data and that this data is being stored in databases. Differences between the use of this data and the databases in these three references does not obscure the fact that they are teaching the use of interaction data and demographic data and that they are teaching the storing of data in databases.

29. In the eighth argument on page 12, paragraph 5 for claims 2 and 17, the Applicant states as follows:

"Dedrick does not describe or suggest maintaining an interaction database separate from a demographics database."

This is essentially the same argument as the Applicant's seventh argument. since this argument refers to claims 2 and 17 which are dependent on claims 1 and 16, respectively. The response to the Applicant's seventh argument adequately covers this argument.

30. In the ninth argument on page 13, paragraph 1 for claims 2 and 17, the Applicant states as follows:

"Dedrick does not describe or suggest maintaining a single database functioning as an interaction database and a demographics database."

This is essentially the same argument as the Applicant's seventh argument. since this argument refers to claims 2 and 17 which are dependent on claims 1 and 16, respectively. The response to the Applicant's seventh argument adequately covers this argument.

31. In the tenth argument on page 13, paragraph 2 for claims 5 and 20, the Applicant states as follows:

"It is not obvious to combine Kravitz with Dedrick. Kravitz does not describe compiling demographic data based on interactions between customers and merchants."

It is obvious to combine the Dedrick and Kravtz references for the following reasons.

Both teach the use of customer and merchant interactions and the use of databases.

Dedrick uses the term "consumer", but this "consumer" is essentially a customer of his merchant. Dedrick teaches the use of consumer's interactions and databases at col. 2, lines 15-20. Likewise, Kravitz teaches the use of interactions between a customer and merchant at col. 11, lines 65-67 and col. 12, line 1. Kravitz also teaches the use of databases at col. 12, lines 16-20. The Applicant uses the phrase "compiling demographic data" in the preambles of independent claims 1 and 16. Thus coverage of all the portion of the claim following "comprising the steps of:" constitutes meeting that phrase in the preamble. However, actually teaches the compiling of user profile data as follows:

"...Statistic compilation process 26 compiles the user profile data contained in personal profile database 27 and transfers the compiled data to metering server 14..." at col. 7, lines 23-25.

It is clear, that the preamble phrase is taught by Kravitz and the entire claim by the combined teachings of Dedrick, Kravitz, and Geerlings.

32. In the eleventh argument on page 13, paragraph 3 for claims 6 and 21, the

Applicant states as follows:

"However, it is not obvious to combine Kravitz with Dedrick. Kravitz does not describe compiling demographic data based on interactions between customers and merchants. Kravitz does not describe storing demographic data representing existing and/or prospective customers of two or more merchants in a demographic database. Nor does it describe the generation of a report giving characteristics and other information about actual and/or prospective customers of one or more merchants."

This is a combination of the second and the seventh arguments and it is met by the corresponding responses for each of those arguments.

33. In the twelfth argument on page 14, paragraph 1 for claims 7 and 22, the

Applicant states as follows:

"However, it is not obvious to combine Kravitz with Dedrick. Kravitz requires that each customer and each merchant have a unique identifier for use in the transaction process. Dedrick, on the other hand does not uniquely identify merchants. There is no suggestion in Dedrick for identifying such merchants."

The rationale for combining Kravitz and Dedrick has been discussed in the response to the fifth argument. Claims 7 and 22 do not use either of the phrases "customer identifier" or "merchant identifier".

34. In the thirteenth argument on page 14, paragraph 2 for claims 14 and 29,

the Applicant states as follows:

"The reporting described in Geerlings is limited to the data stored in the marketing database and strategy database of each merchant. These reports do not involve customers of two or more merchants. These reports do not involve prospective customers of one or more merchants."

The Geerlings reference taught the production of reports, however, the "...includes demographic data..." is taught by Dedrick at col. 12, lines 7-11, and the "...representing the customers of a merchant. ...," is taught by Kravitz at col. 11, lines 64-67 and col. 12, lines 1-2. These claims were taught by a combination of the Dedrick, Kravitz, and Geerlings references.

35. In the fourteenth argument on page 14, paragraph 4 for claims 15 and 30, the Applicant states as follows:

"Geerlings describes the use of a report database which can be configured for coupling to a merchant's desired reporting software package. The reports generated by Geerlings do not involve customers of two or more merchants. The reports further do not involve prospective customers of one or more merchants."

This is essentially the same as the Applicant's thirteenth argument. The difference being that this claim represents the customers of two or more merchants. A demographic database as described by Dedrick should be capable of storing the customer data of multiple merchants as well as a single merchant.

36. In the fifteenth argument on page 16, paragraph 5 for claims 31, 32, 37 and 38, the Applicant states as follows:

"New claim 31 introduces the feature that the customer identifier could include a customer account number obtained from a financial institution and new claim 32 introduces the feature that the merchant identifier could include an account number of the merchant obtained by a financial institution. This feature, in combination with claim 7 and claim 1, provides a method and system which is not obvious even if Dedrick, Kravitz, Geerlings and Sirbu are combined."

The features of "customer identifier" and "merchant identifier" are taught by Kravitz at col. 7, lines 21-24 and at col. 28, line 16, respectively. The use of account numbers, which are obtained from financial institutions is taught by Sirbu as follows:

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"...funds in a customer's account can be replenished from a bank or credit card; similarly, funds in a merchant's account are made available by depositing them in the merchant's bank account in financial institution 18..." at col. 3, lines 65-67 and col. 4, line 1.

If banks have accounts for customers and merchants, these accounts must be represented with account numbers. The explicit use of customer's account numbers and of merchants account numbers is taught by Sirbu as follows:

"...The cryptographic checksum of the customer's account number with an account verification nonce, so that the merchant may verify that any supplied credentials were used correctly..." at col. 10, lines 4-7.

"...The countersigned EPO 42 adds the merchant's account number, the merchant's memo field, and the goods decryption key, as well as the merchant's signature..." at col. 10, lines 39-42.

It is clear, that the combination of Dedrick, Kravitz, Geerlings and Sirbu teaches all of the features of claims 31, 32, 37, and 38.

37. In the sixteenth argument on page 16, paragraph 5 for claims 31, 32, 37 and 38, the Applicant states as follows:

"Furthermore, it is not obvious to combine Kravitz and Dedrick. Dedrick does not uniquely identify merchants and there is no suggestion or advantage describing Dedrick for identifying such merchants."

The first part of this argument was answered in the response for the Applicant's fifth argument for independent claims 1 and 16. Since claims 31, 32, 37, and 38 are dependent on claims that are in turn dependent on independent claims 1 and 16, the response to the Applicant's fifth argument is valid for the first part of this argument. In the second part of the argument, the Applicant states that Dedrick does not uniquely

identify merchants. This is correct. It is Sirbu that teaches the unique identification of merchants at col. 10, lines 39-42.

38. In the seventeenth argument on page 17, paragraph 1 for claims 31, 32, 37 and 38, the Applicant states as follows:

"We submit that it is not obvious to combine Dedrick, Kravitz, Geerlings and Sirbu."

The rational for the combination of Dedrick, Kravitz, and Geerlings has been covered in the response to Applicant's seventh argument for independent claims 1 and 16. Since claims 31, 32, 37, and 38 are dependent on claims that are in turn dependent on independent claims 1 and 16. This leaves the further combination of Sirbu. Since the combination of Dedrick, Kravitz, and Geerlings teaches an interaction database for interactions between customers and merchants, the addition of customer identifications and merchant identifications, as taught by Sirbu at col. 10 lines 4-7 and col. 10, lines 39-42, supplies two needed elements in the interaction database and justifies the additional combination of the Sirbu reference.

39. In the eighteenth argument on page 17, paragraph 2 for claims 9 and 24, the Applicant states as follows:

"It is not, however, obvious to combine Dedrick, Kravitz, Geerlings and Kaweck and claim 9 represents a non-obvious improvement over the combination of these four references."

The rational for the combination of Dedrick, Kravitz, and Geerlings has been covered in the response to Applicant's seventh argument for independent claims 1 and 16. Since claims 9 and 24 are dependent on independent claims 1 and 16. This leaves the further combination of Kaweck. Since the combination of Dedrick, Kravitz, and Geerlings

teaches an interaction database for interactions between customers and merchants, the addition of potential sources of customer identifications and merchant identifications, as taught by Kawecky at col. 8, lines 11-15, supplies a potential source for two needed elements in the interaction database and justifies the additional combination of the Kawecky reference.

40. In the nineteenth argument on page 17, paragraph 4 for claims 33, 34, 39, and 40, the Applicant states as follows:

“Kawecky et al teaches the use of telephone numbers and the storing of these telephone numbers by a telecommunications service provider. It does not follow that it is obvious to combine Kawecky with Kravitz resulting in the subject matter of claims 33, 34, 39 and 40.”

The rationale for the combination of Dedrick, Kravitz, and Geerlings has been covered in the response to Applicant's seventh argument for independent claims 1 and 16. Since claims 33, 34, 39, and 40 are dependent on claims, which are in turn dependent on independent claims 1 and 16. This leaves the further combination of Kawecky. Since the combination of Dedrick, Kravitz, and Geerlings teaches an interaction database for interactions between customers and merchants, the addition of telephone numbers as potential customer identifications and merchant identifications, as taught by Kawecky at col. 8, lines 11-15, supplies a potential source for two needed elements in the interaction database and justifies the additional combination of the Kawecky reference.

41. In the twentieth argument on page 17, paragraph 5 for claims 11 and 26, the Applicant states as follows:

“However, it is not obvious to combine Hanson et al with Dedrick and Kravitz to arrive at the subject matter of claim 11.”

The rationale for the combination of Dedrick, Kravitz, and Geerlings has been covered in the response to Applicant's seventh argument for independent claims 1 and 16. Since claims 11 and 26 are dependent on independent claims 1 and 16. This leaves the further combination of Hanson. Since the combination of Dedrick, Kravitz, and Geerlings teaches an interaction database for interactions between customers and merchants, the addition of telecommunications providers as potential sources of customer identifications and merchant identifications, as taught by Hanson at col. 2, lines 58-63, supplies a potential source for two needed elements in the interaction database and justifies the additional combination of the Hanson reference.

42. In the twenty-first argument on page 17, paragraph 7 for claims 35, 36, 41, and 42, the Applicant states as follows:

"The focus of the Silverman system is on data network security. It is not obvious to combine Silverman with Kravitz and Hanson et al to arrive at the subject matter of claims 35, 36, 41 and 42."

The rationale for the combination of Dedrick, Kravitz, and Geerlings has been covered in the response to Applicant's seventh argument for independent claims 1 and 16. Since claims 33, 34, 39, and 40 are dependent on claims, which are in turn dependent on independent claims 1 and 16. This leaves the further combination of Silverman. Since the combination of Dedrick, Kravitz, and Geerlings teaches an interaction database for interactions between customers and merchants, the addition of network addresses as potential customer identifications and merchant identifications, as taught by Silverman at col. 7, lines 66-67 and col. 8, lines 1-3, supplies a potential source for two needed

elements in the interaction database and justifies the additional combination of the Silverman reference.

43. In the twenty-second argument on page 17, paragraph 1 for claims 13 and 28, the Applicant states as follows:

"However, the Carles system is focused on on-demand consumer-ordered televisions and particularly relating to distributing advertising and commercial messages in such an environment. It is not obvious to combine Geerlings, Dedrick and Carles in order to arrive at the subject matter of claim 13."

The rationale for the combination of Dedrick and Kravitz has been covered in the response to Applicant's fifth argument for independent claims 1 and 16. Since claims 13 and 28 are dependent on independent claims 1 and 16. This leaves the further combination of Carles. Since the combination of Dedrick and Kravitz teaches a demographic database for information about customers, the addition of census data as potential sources of demographic information, as taught by Carles at col. 5, lines 11-14, supplies a potential source needed information in the demographic database and justifies the additional combination of the Carles reference.

### ***Conclusion***

44. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

45. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harold E. Dodds, Jr. whose telephone number is (703)-305-1802. The examiner can normally be reached on Monday - Friday 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (703)-305-9790. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-305-9730 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

  
Harold E. Dodds, Jr.  
Patent Examiner  
August 22, 2002

  
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